

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

KENNETH FITCH and ESTATE OF
DIANNE L. FITCH,

Plaintiffs,

v.

FEDERAL HOUSING FINANCE
AGENCY; FEDERAL NATIONAL
MORTGAGE ASSOCIATION; WELLS
FARGO BANK, N.A.; 266 PUTNAM
AVENUE, LLC; RUSHMORE LOAN
MANAGEMENT SERVICES LLC; US
BANK NATIONAL ASSOCIATION as
Trustee for RMAC TRUST, SERIES
2016-CTT,

Defendants.

C.A. No. 18-214-JJM-PAS

ORDER

The Court has reviewed the Motion to Dismiss (ECF No. 102) by Wells Fargo Bank, N.A. (Counts VII through XIII), the Plaintiffs' Objection (ECF No. 114), and the Reply (ECF No. 116). The Court has also reviewed the Report and Recommendation (ECF No. 157) of Magistrate Judge Patricia A. Sullivan ("R&R"), the Objection (ECF No. 176), the Response (ECF No. 178), and the Reply (ECF No. 182).

The Court accepts the thorough and well-reasoned R&R for the reasons stated in it. Plaintiffs do not allege in Count VII damages that plausibly flow from an alleged RESPA/Regulation X violation. As to the remaining Counts of the Complaint

against Defendant Wells Fargo, Plaintiffs fail to allege any plausible concrete harm they incurred as required by the U.S. Supreme Court's decisions in *Spokeo v. Robins*, 578 U.S. 330, 339-344 (2016) and *TransUnion LLC v. Ramirez*, 141 S.Ct. 2190, 2203-14 (2021). Thus, the Court lacks standing to hear this claim as it has no subject matter jurisdiction.

The Court GRANTS Defendant Wells Fargo Bank, N.A.'s Motion to Dismiss. ECF No. 102.

IT IS SO ORDERED.



John J. McConnell, Jr.
Chief Judge
United States District Court

January 18, 2022